

THE COURTS.

GEORGE FRANCIS TRAIN

The Great Pagan Dictator Snatched—His Insanity Admitted and Accepted—From the Tombs to the Lunatic Asylum—George's Next Move.

BUSINESS IN THE OTHER COURTS.

Barbarians—Theft of Mail Bags from the Post Office—The Bank of England—Forgery—An Omnibus Case—A Slander Suit.

The examination of George McDonnell, one of the alleged forgers upon the Bank of England, was resumed yesterday before Commissioner Gutman.

Yesterday Martin Cashion, seaman, and Anna Erard, stewardess, of the American ship Mary A. Erard, were further examined before Commissioner Shields on the charge of having set on fire and attempted to destroy that vessel in the harbor of Buenos Ayres, South America.

The trial of George Francis Train in the Court of Oyer and Terminer, came yesterday to a sudden conclusion. Immediately on a doctor testifying that he had interviewed Train in the Tombs and pronounced him insane then and his belief that he was still insane, Judge Davis directed the jury to acquit him on the ground of insanity, and thereupon he ordered him to be sent to the State Lunatic Asylum.

Mr. Train's counsel, not relishing this unexpected turn in events, as they were proposing to introduce the recent judgment before Judge Daly pronouncing him sane, obtained a writ of habeas corpus from Judge Fancher, at Supreme Court Chambers. A hearing upon the writ will be had tomorrow, and meanwhile Mr. Train will remain in the Tombs.

A verdict of \$1,000 damages was given yesterday in the Supreme Court, Circuit, before Judge Harret, against the Twenty-third street omnibus line proprietors on account of injuries sustained by a passenger through the driver starting off too soon, while the passenger was attempting to alight.

A few such verdicts would diminish the rash impetuosity of stage drivers and greatly diminish the hazard of a ride in a public omnibus.

TRAIN TRAPPED.

Sudden Termination of the Trial of George Francis Train—The Insanity Dodge Played Out—From the Tombs to the Lunatic Asylum—An Exciting Scene in Court—Train Turned Topsy Turvy with Rage—George's Next Move.

On the opening day of the trial before Judge Davis, in the Court of Oyer and Terminer, of George Francis Train, on the indictment charging him with the publication of an obscene paper, designated as the *Train Lique*, it was evident from an observation made by the Judge that he stood on a shaky ground. Should the jury convict him of the charge preferred against him, and pronounce him by such verdict sane he was sure to go to State Prison. Should the jury, on the other hand, acquit him on the ground of insanity he was sure to be sent to the Lunatic Asylum.

His ingenious counsel—Messrs. William F. Howe and Clark Bell—saw at a glance the horns of the dilemma, and they sagaciously put their wits to work to escape both of these unpalatable alternatives. It was only to be accomplished by a sharp strategic maneuver. So far the counsel were all right; but, as the result proved, they omitted in their calculations an important element in the case, Judge Davis, and thus gave forcible illustration of the old poetic aphorism—

The best laid plans of mice and men  
Go oftentimes awry.

Their idea was to show by the medical expert giving testimony for the prosecution before Judge Daly that Train was insane when he published the *Train Lique*, and thus having secured his acquittal on this evidence produce the judgment of that Court that he was now sane to prove his present sanity. Judge Davis, however, as will be seen by the report given below of the proceedings in Court yesterday, did not allow them to carry out their intended programme, but most summarily, though no doubt in a strictly judicial manner, nipped it in the bud.

MOVING A VERDICT OF NOT GUILTY.  
Immediately on the opening of the Court, at which time, as heretofore, the Court room was crowded to its fullest capacity, Mr. Howe, who, "for this occasion only," supported in the left lair of his coat a bouquet of more formidable dimensions than anything in the floral line ever arranged by the gorgeous Train himself, moved, with quiet gravity, that the Court order a verdict of not guilty. He claimed that the statute chapter 747 of the Laws of 1872, under which Train is indicted, is unconstitutional, and that it is in derogation of the common law, and should be not only carefully scrutinized, but liberally construed. He urged that construing it literally the owners of almost every private library in the country, as well as connoisseurs in the fine arts, could be held liable.

Judge Davis denied the motion, holding the statute to be constitutional.

OPPOSING A PRELIMINARY MOTION. Mr. Howe was by no means discouraged. He proceeded to open the case for the defence, and a most curious war of wits was waged, and was prolonged by explaining the nature of the indictment, and then descended on the motives of Mr. Comstock, the leading witness for the prosecution. Next he launched out into a discussion of the various religious faiths, and how every man was to be respected for his religious belief, including Mr. Train, who he held to be a religious man.

He then read extracts from the *Train Lique*, made up largely of extracts from the Bible and compared them with the leading extracts from the *Train Lique* which were published in Boston. He was about reading some quotations from Shakespeare—"Shakespeare is not on trial," interrupted Judge Davis.

"But may I not read extracts from his works?" persisted Mr. Howe.

"No, sir," answered the inflexible Judge.

"From Fielding?"

"No, sir."

"From Mallet?"

"No, sir."

"I wish to show that not only in the works of these authors, but in all the accepted literature of the past and present time, there are just as obscene things as are attributed to Mr. Train."

"Another's obscenity is no excuse for his."

Finding himself entangled in his intended speech, though mean while excepting to the Judge's ruling, Mr. Howe narrowed down to a single point, by appealing to the jury to remember that they were American citizens, and, in conclusion, that Mr. Train was another Lord Byron, another Shakespeare, and so on through the long catalogue of those who have passed for themselves names famous in the world of letters.

TESTIMONY FOR THE DEFENCE.  
Very short work was made of this. The only witness called was Dr. Theodore M. H. Cross, and his evidence was brought to a summary conclusion. He told how he had made the subject of insanity a specialty, and how on the 11th of last March, pursuant to the request of the District Attorney, he visited Mr. Train at his cell in the Tombs with a view to report his mental condition.

Q. And you reported him insane? A. Yes, sir.

Q. You so testified before Judge Daly? A. Yes, sir.

the verdict. The verdict should be "Guilty" or "Not guilty."

Judge Davis—You will find the prisoner not guilty on the ground of insanity.

Mr. Bell—We ask the jury to find a verdict of "Not guilty."

Judge Davis—Mr. Clerk, take the verdict, "Not guilty on the ground of insanity."

Funeral of the late George Francis Train. We find the prisoner at the bar not guilty on the ground of insanity.

Mr. Bell—We ask to have the jury polled.

Mr. Bell—No polling of this jury. The jury are discharged.

Mr. Bell—There are two jurors who say that is not their verdict.

Judge—Order the prisoner to be sent to the State Lunatic Asylum.

Mr. Bell—Will you not hear evidence as to his sanity?

Mr. Howe—There are witnesses in court who will swear that Mr. Train is now perfectly sane.

Mr. Bell—Do you wish to testify against these proceedings. I have had no trial. I have been five months in jail. What am I to do, remain or go away?

Judge Davis—Sit down.

Mr. Train (very pale and excited)—Before I go away I wish to move your impeachment in the name of the people.

Having thus explosively delivered himself Mr. Train took his seat. The scene for a moment was an exciting one. All present rose to their feet. The jury rushed from their seats, and the crowd rushed to have lost his usual placid self-possession. Mr. Bell did not know what to turn. There was no main matter in the case.

Hardly had the jury been dismissed, when the direction of Judge Davis, made out an order on the Warden of the City Prison to deliver Mr. Train over to the custody of the Sheriff and to the latter to convey him to the State Lunatic Asylum at Utica, and the Court adjourned, before Mr. Train's counsel applied to Judge Fancher, holding Supreme Court, for a writ of habeas corpus in the case.

UNITED STATES CIRCUIT COURT.  
Criminal Proceedings.  
Judge Benedict sat in the United States Circuit Court yesterday, and proceeded with the disposal of the criminal business.

CASES TO BE TRIED.  
The following cases were announced as ready for trial—Leander Fox, sending obscene literature through the mails; Christian Hartel, opening letters in the Post Office; S. B. Babcock, presenting false papers to a United States officer; W. H. Nichols, sending obscene letters through the mails; and John Smith, sending obscene materials through the mails. The above cases will be tried as soon as they are reached.

STRENGTHENING HANDS FROM THE POST OFFICE.  
The case of James Cahill was then called on for trial. The accused has been carrying on the business of a mail dealer at 25 Willet street, and is indicted for having received a quantity of mail bags, alleged to have been stolen from the Post Office. It came out in the course of the examination that 4,000 bags were stolen from the Post Office in four weeks. The principal witness for the prosecution was a young man named Richard H. Brown, who testified that he had seen Cahill steal the bags, and who, the day after, expressed to the District Attorney his readiness to tell all he knew about the alleged theft. Brandon Brown, who testified that he had seen Cahill steal the bags, and who, the day after, expressed to the District Attorney his readiness to tell all he knew about the alleged theft.

UNITED STATES COMMISSIONER'S COURT.  
The Forgery upon the Bank of England—The Case of George McDonnell—The Examination Coming to a Close.

The examination of George McDonnell, who is accused of having been concerned in the alleged frauds upon the Bank of England—the particulars of which have been repeatedly published in the Herald—was resumed before Commissioner Gutman yesterday, and continued until 1 o'clock.

Mr. F. Marbury and Mr. Charles M. Da Costa appeared as counsel, the former for the British government and the latter for the Bank of England; and Mr. Brooke, of the firm of Garvin, Brooke & Fellows, for the defence.

There was a re-examination of some witnesses, but nothing of an important character, in addition to the facts already related. After considerable discussion with respect to the summing up it was agreed to adjourn the case until to-day, when it is understood the examination will be brought to a close.

SUPREME COURT—CIRCUIT—PART I.  
Interesting to Omnibus Proprietors and Passengers.  
Before Judge Barrett.

Joseph C. Shepherd, in March, 1869, in attempting to alight from an omnibus of the Broadway and Twenty-third street line in front of the Astor House, was thrown out through the driver starting off too soon and seriously injured. He brought suit against Messrs. Johnson & Shepard, proprietors of the line, claiming \$5,000 damages. The trial, after progressing through two days in the Supreme Court, Circuit, before Judge Harret, was continued yesterday.

Mr. C. O'Connor renewed his motion for a verdict in favor of the plaintiff for \$5,000. A stay of proceedings was granted for twenty days.

ANOTHER BANK BOTHER.  
A Misunderstanding Resulting in the Suspension of the Mutual Bank—Its Affairs Adjusted—The Chatham Bank to Blame.

Yesterday afternoon the Mutual Bank, located at 708 Broadway, suspended operations. As the matter was perfectly understood beforehand, among both the stockholders and depositors, the suspension occasioned no excitement and no surprise.

The winding up of the affairs was on an amicable basis, though, of course, it appears that the Mutual Bank was not in the clearing house, but cleared through the Chatham Bank. The Mutual usually made its account in the clearing house, and the Chatham Bank had a deposit in the Chatham Bank of \$10,000.

By some mistake of the bookkeeper of that bank the sum was not correctly entered, and on Saturday, when the account was being settled, the Chatham Bank was refused. Explanations ensued, when it was discovered that the Mutual Bank was all right and that the fault lay with the Chatham Bank.

Mutual thereupon proposed to go on as usual, but the Chatham Bank refused, saying that it was not bound to do so, and they must take care for it any longer. As a natural consequence the Mutual Bank was obliged to suspend. All the time the Mutual was in liquidation the next two days it had little more than the proceeds of the mismanagement. The stockholders of the bank will probably suffer the loss of not over \$500,000, and the depositors will be perfectly safe, business—about two hundred and fifty thousand dollars per week. The President was Mr. Samuel A. Hills, and the cashier William S. Carmus.

THE DEFUNCT CENTRAL BANK OF BROOKLYN.  
About two hundred depositors of the defunct Central Bank met in the United States Commissioner's Court room, Brooklyn, yesterday, when the accounts of the assignees, S. B. Dutcher, were submitted, showing that his receipts were \$164,800, and disbursements \$20,945. A dividend of twenty-five per cent was declared, and it was ascertained that a further dividend might be declared, as there were still good claims to the amount of about \$60,000 yet to be collected.

DEALERS IN PETROLEUM.  
At a meeting of the dealers in petroleum, held yesterday afternoon, at two o'clock, Mr. Macy in the chair, reports of the committee were heard and discussed. The first six specified rules for the government of all transactions in the purchase and sale of petroleum were adopted.

these words are actionable or not; whether they were applied to the plaintiff and not to the defendant. It is denied that the plaintiff was ever spoken. Now the first duty of the plaintiff is to prove to your satisfaction that they were spoken and against the plaintiff.

John Maher pleaded guilty to committing an assault and battery upon Patrick Scully, on the 22d of April. As there were extenuating circumstances, the Judge sent the young man to the City Prison for twenty days.

Acquittals.  
Julia Wilson was tried upon a charge of stealing \$30 from Catherine Kern on the 6th of this month. The evidence of the complainant was materially contradicted by a number of witnesses, and the jury rendered a verdict of "not guilty" without leaving their seats.

John C. Bell and Antonio Weingert, the captain and mate of a schooner, were charged with stealing a gun from the 21st of April, pleaded guilty to petty larceny and was sent to the Penitentiary for six months.

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UNDER "WIND AND SPR."

Another Field Day Over the Mayor's Nominations.

Police Commissioners, City Chamberlain and Inspectors of Weights and Measures "Put Through"—A Little Breeze Over Oliver Charlack, but the Aldermen Swallow the Whole List—A Sharp Trick in Confirming the Last Two Names of a List of Four.

One City Marshal Rejected and Another Badly Handled.

Where Must a Park Commissioner Live?

Everything has flattened right out at the City Hall. Yesterday the Board of Aldermen took action upon the Mayor's nominations and confirmed the names sent in for Police Commissioners and City Chamberlain. All the interest that has been manifested about the Hall since Friday last centred itself in the police appointments, and when the names of George W. Lane and Nicholas McCormick, the two remaining nominees, were confirmed, the excitement was over.

THE CHAMBERLAIN CONFIRMED.  
Alderman MORRIS moved the confirmation of the nomination of George W. Lane as City Chamberlain. Carried by a unanimous vote of the Board.

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the last two nominations confirmed. (More sensation.)

The Chair ruled that a vote on confirmation or rejection was final and could not be reconsidered.

Alderman McCormick and Koch spoke severely against the nominees, but to the quiet republicans and the Aldermen of the Board of Police, who would be only a farce to proceed now with any further confirmations for these offices. (Laughter.)

The motion to postpone was lost, and, after some discussion of a humorous and sometimes sarcastic nature, the Board of Aldermen confirmed the nomination of George W. Lane as City Chamberlain, and the nomination of Nicholas McCormick as City Marshal.

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esteemed brother member, William Conkley, therefore, be it

Resolved, That in his stead we lose a steadfast friend, a genial companion and a good member.

Resolved, That we hereby sympathize with his afflicted relatives in this bereavement.

Resolved, That Alderman Cooper should escort his remains to last resting place and place the usual badge of mourning.

Resolved, That the Board of Aldermen should order a funeral for the late William Conkley.

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